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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1761 Customer No.: 035811
Examiner :
Serial No. : 10/796,348 Docket No.: 1033-04
Filed : March 9, 2004
Inventor : Jacques Veillon Confirmation No.: 1980
Title : METHOD AND DEVICE FOR
: PRESERVING PERISHABLE PRODUCTS Dated: October 28, 2004

**PETITION TO MAKE SPECIAL
UNDER 37 C.F. R. § 1.102(d) – ACTUAL INFRINGEMENT**

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions under 37 C.F.R. §1.102(d) and MPEP 708.02(II) that the subject application be accorded special status and advanced in order of examination.

The requirements of 37 C.F.R. §1.102(d) and MPEP 708.02(II) are fulfilled as follows:

1. A check for the appropriate fee (\$130.00) as set forth in 37 C.F.R. §1.17(h) is attached hereto.
2. There is at least one infringing product actually on the market. The infringing product is referred to by the name "Expandable Bowl Covers."
3. A rigid comparison of the alleged infringing product ("Expandable Bowl Covers") with the claims of this present application has been made, and in my opinion, some of the claims are unquestionably infringed.
4. A search of the prior art was made in a corresponding PCT application by the EPO. An Information Disclosure Statement (IDS) is filed concurrently herewith, and the publications listed on the IDS represent the results of the above-referenced search.

5. A copy of the following publications uncovered by the search is enclosed

herewith for the record:

| No. | Patent No. | Inventor | Date Issued | Title |
|--|--|------------------------|-------------|---|
| <i>U.S. Patents</i> | | | | |
| 1. | 2,080,108 | Samuel J. Brandstein | 05/11/1937 | |
| 2. | 3,862,614 | Michael Kovac | 01/28/1975 | |
| 3. | 4,815,628 | Arthur R. Wehnert, III | 03/28/1989 | |
| <i>Foreign Patent Documents</i> | | | | |
| 4. | EP 0 462 767 A2 | Kinigakis et al. | 12/27/1991 | |
| 5. | DE 197 47 911 A1 | Schmidt-Gabriel | 05/12/1999 | Lid for a kitchen basin with convex membrane material |
| <i>Other Prior Art</i> | | | | |
| 7. | English Abstract of "Lid for a kitchen basin with convex membrane material," DE 197 47 911 A1, Schmidt-Gabriel, 05/12/1999 | | | |
| | International Search Report dated January 23, 2003 | | | |

Accordingly, Applicant respectfully requests that the Petition to Make Special be granted, and that the application be advanced in order of examination. Applicants also respectfully request an early consideration and allowance of the solicited claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. C. Gambino', with a long horizontal flourish extending to the right.

Darius C. Gambino
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T. Daniel Christenbury
Reg. No. 31,750

DCG:TDC/pam

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